

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BILLIE RAY LEWIS, as Brother, Next Friend,
and Special Administrator of CHRISTOPHER
HICKS, deceased,

Plaintiff,

v.

CITY OF CHICAGO, and CHICAGO POLICE
OFFICERS L. SOTO, Star 8403, A. PENA, Star
18513, ROBERT ARNOLTS, Star 19998, and
BRIAN DEVAN, Star 3871,

Defendants.

No. 04 C 3904

Judge Conlon

FILED
J.N. OCT 21 2005
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MOTION TO APPROVE DISBURSEMENT

Plaintiff, Billie Ray Lewis, by his attorneys, Smith, Coffey, and Alexander, respectfully requests that this Court approve the distribution of proceeds as outlined in the attached Exhibit A.

In support of this motion, plaintiff attaches the affidavits of Billie Ray Lewis and Merlene Wynn-Hicks, and states as follows:

1. The plaintiff, Billie Ray Lewis, has agreed to accept the sum of \$3.5 million to settle his wrongful death claim against the City of Chicago and certain Chicago police officers relative to the death of his brother, Christopher Hicks.

2. The decedent, Christopher Hicks' purported only heir at law is his widow, Merlene Wynn-Hicks, who has nominated Billie Ray Lewis to be the independent administrator of Christopher Hicks' estate.

3. Merlene Wynn-Hicks desires that Billie Ray Lewis be paid an administrator's fee for his time and efforts in prosecuting this lawsuit, in the amount of \$15,000.

4. Certain members of Christopher Hicks' immediate family have raised issues of whether Merlene Wynn-Hicks is the proper heir-at-law of Christopher Hicks, and Merlene Wynn-Hicks wishes to settle any and all claims that she is not the proper heir of Christopher Hicks.

5. Merlene Wynn-Hicks and all immediate family members of Christopher Hicks, to settle all possible claims of heirship, have agreed to the following split of the net wrongful death proceeds of the settlement in this case: 20% to Merlene Wynn-Hicks, 20% to the decedent's mother, Florence Hicks, with the remaining 60% to be split evenly by Christopher Hicks' eleven siblings and half-siblings, as reflected in the separate Family Settlement Agreement.

6. The plaintiff and Merlene Wynn-Hicks have approved the attached Exhibit A list of litigation expenses and attorneys' fees.

7. None of the decedent's next of kin or siblings are minors.

8. All final expenses and debts of the decedent have been paid or provided for.

WHEREFORE, plaintiff respectfully requests that this Court approve the distribution of proceeds as outlined in the attached Exhibit A.

Respectfully submitted,

BILLIE RAY LEWIS

A handwritten signature in dark ink, appearing to be "D. B. C.", written over a horizontal line.

By: One of his attorneys

Daniel S. Alexander
Christopher Smith
SMITH, COFFEY & ALEXANDER
119 North Peoria Street
Suite 3A
Chicago, Illinois 60607
312-850-2600

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BILLIE RAY LEWIS,)	
)	
Plaintiff,)	No. 04 C 3904
)	
v.)	Judge Conlon
)	
CITY OF CHICAGO, et al.,)	Magistrate Judge Schenkier
)	
Defendants.)	
)	

EXHIBIT A - EXPENSES

FINAL EXPENSES OF CHRISTOPHER HICKS

City of Chicago	EMS services	\$ 366.00
Northwestern Memorial Hosp.	Med bill	\$ <u>2122.20</u>
	Total Cost =	\$ 2488.20

EXPERT WITNESS EXPENSES

Smith Economics Group, Ltd	Case review/report preparation	\$ 3765.00
	Messenger services	\$ 6.60
	Review of Defense Econ report	\$ <u>295.00</u>
	Total Cost =	\$ 4066.60
Sullivan & Associates	Case review/report preparation	\$13,200.00
	Deposition Preparation	
Dr. Shaku Teas	Autopsy	\$ 2,650.00
Dr. Jesse Hall	Review of records/Depositions	\$ 5400.00
	Review of records/Depositions	\$ 3000.00
	Review of records/Depositions	\$ 1600.00
	Review of records/Video Dep	\$ <u>6300.00</u>
	Total Cost =	\$16,300.00
National Justice Consultants Inc.	Deposition of Defense expert	\$ 1500.00

Dr. Charles Wetli	Deposition of Defense expert	\$ 1999.00
James O'Donnell	Deposition of Defense expert	\$ 2612.50
Gerry L. Suchanek	Deposition of Defense expert	\$ 1000.00

COURT REPORTER EXPENSESPatti Blair Court Reporters, PC

Transcript of Louis Soto	10-28-04	\$ 842.65
Transcript of Robert Arnolts & Artemio Pena	10-27-04	\$ 1072.20
Transcript of Artemio Pena 2 & Brian De Van	11-01-04	\$ 729.00
Reporter Appearance on Dickman & Aztlan	11-26-04	\$ 536.25
Reporter Appearance on Michael Bosco	11-24-04	\$ 266.00
Reporter Appearance on Kevin Byrne	11-30-04	\$ 318.50
Transcript of Rickey Galbreth	12-07-04	\$ 927.00
Reporter Appearance on Det. Galbreath	12-07-04	\$ 341.00
Transcript of Kevin Byrne	12-09-04	\$ 582.50
Transcript of Dickman & Aztlan	12-09-04	\$ 874.00
Reporter Appearance on Patrick McNulty	12-29-04	\$ 146.00
Reporter Appearance on Foster & Connolly	01-06-05	\$ 302.00
Transcript of Patrick McNulty & Sidney Davis	01-13-05	\$ 919.00
Transcript of Wayne Wiberg & Jackie Campbell	01-28-05	\$ 916.60
Transcript of Amy Braley & Lori Lightfoot	02-03-05	\$ 728.45
Reporter Appearance on Gerry Suchanek	02-04-05	\$ 350.00
Reporter Appearance on Dr. J. O'Donnell	02-07-05	\$ 775.00
Transcript of Mary Conley	02-10-05	\$ 305.70
Transcript of Foster & Connolly	02-18-04	\$ 428.10
Transcript of Dr. J. O'Donnell	02-25-05	\$ 822.30
Transcript of Michael Mealer	02-28-05	\$ 379.65
Transcript of Ronald Sodini	03-16-05	\$ 344.10
Transcript of James Clemmons	03-04-05	\$ 349.70
Transcript of Lori Lightfoot 2	03-09-05	\$ 411.30
Transcript of Vince Nyenke	03-09-05	\$ 120.00
Transcript of Peree Lawson	03-30-05	\$ 361.00
Reporter Appearance on Beretta Lewis	03-31-05	\$ 158.50
Transcript of Beretta Lewis	04-20-05	\$ 236.10
Reporter Appearance on Elenia Hudson	05-12-05	\$ 120.00
Transcript of Gerry Suchanek	05-11-05	\$ 730.50
Transcript of Elenia Hudson	06-14-05	\$ 240.90
Transcript of Jesse Hall	07-07-05	\$ <u>1562.62</u>
Total =		\$ 17,196.62

Urlaub, Bowen & Associates, Inc.

Transcript of Billie Ray Lewis	09-10-04	\$	377.20
Transcript of Andre Lewis	09-22-04	\$	146.50
Transcript of Dr. Clare Cunliffe	12-14-04	\$	387.45
Transcript of Dr. Clare Cunliffe 2	12-23-04	\$	323.90
Transcript of Laura Soria	12-28-04	\$	186.55
Transcript of Rachel Perry	01-07-05	\$	82.00
Transcript of Kevin Kendall	01-19-05	\$	490.50
Transcript of Glenn Smith	01-21-05	\$	145.55
Transcript of Dr. Jesse Hall	01-25-05	\$	303.40
Transcript of Stan Smith	01-26-05	\$	157.85
Transcript delivery fees	07-08-05	\$	<u>21.65</u>
Total =		\$	2622.55

Century Court Reporters, Inc.

Transcript of Narris Lewis	11-08-04	\$	328.00
Transcript of Clarence Chapman	03-02-05	\$	1372.75
Transcript of Merlene Wynn-Hicks	11-09-04	\$	<u>271.75</u>
Total =		\$	1972.50

Associated Reporters of Nevada

Transcript of John Sullivan	01-31-05	\$	830.50
Transcript of John Sullivan 2	07-12-05	\$	<u>495.00</u>
Total =		\$	1325.50

In Re Reporting Service

Transcript of Florence Hicks	11-23-04	\$	217.23
Dep of Ardis Lewis, Florence Hicks & Jean Combs	11-23-04	\$	<u>296.80</u>
Total =		\$	514.03

M & M Reporting, Inc.

Transcript of Charles Wetli, M.D.	02-15-05	\$	1987.95
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PROBATE COURT EXPENSES

Clerk of the Probate Court	\$	256.00
Probate Filing Fees 09-14-05		

Daily Law Bulletin	Publication fees	\$	176.00
Filpi & Filpi	Probate Bond premium	\$	<u>200.00</u>
	Total =	\$	632.00

MISC EXPENSES

Clerk of the U.S. Court		\$	150.00
Filing Fees 06-8-04			
Cook County ME	12-14-04	\$	155.00
X-rays & Histology Slides			
Trial Graphix	Maps & Enlargements 05-31-05	\$	4025.00
Advanced Video Solutions, Inc	Video Dep 06-27-05	\$	325.00
Advanced Video Solutions, Inc	Video Dep 06-27-05	\$	662.50
Billie Ray Lewis	Administrator fee	\$	<u>15,000.00</u>
	Total =	\$	20,317.50

STATUTORY WITNESS FEES

Loretta White	09-28-04	\$	40.77
Debra Burton	09-28-04	\$	40.77
Rachel Perry	07-01-05	\$	43.00
Glenn Smith	07-01-05	\$	43.00
Dr. Aldeen	07-01-05	\$	43.00
Elania Hudson	05-05-05	\$	43.00
Kevin Kendell	06-16-05	\$	43.00
Laura Soria	06-16-05	\$	43.00
Peree Larson	06-16-05	\$	43.00
Terry Hillard	06-16-05	\$	43.00
Bernatta Lewis	06-16-05	\$	43.00
Elania Hudson	06-16-05	\$	43.00
Dr. Clare Cunliffe	06-16-05	\$	43.00
Inv. Rios	06-16-05	\$	43.00
Theo Jamison	06-16-05	\$	43.00
Kirby McMillon	06-16-05	\$	<u>43.00</u>
	Total =	\$	683.54

FEDEX & DOCUMENT EXPENSES

Mite Records	10-08-04	\$	15.00
Mite Records	11-29-04	\$	15.00
Mite Records	12-15-04	\$	95.00

ImageStat	12-14-04	\$	45.82
Video One - copies 911 tapes	03-07-05	\$	67.43
Video One - copies 911 tapes	03-08-05	\$	68.00
Video One - copies video tapes	05-10-05	\$	130.50
IRS Tax return copies	11-15-04	\$	156.00
FedEx	10-20-04	\$	86.70
FedEx	10-29-04	\$	39.02
FedEx	11-03-04	\$	25.00
FedEx	11-08-04	\$	68.64
FedEx	01-14-05	\$	25.00
FedEx	01-26-05	\$	28.89
FedEx	02-10-05	\$	50.90
FedEx	03-04-05	\$	59.26
FedEx	05-10-05	\$	38.80
In House Copying	N/C	\$	<u>00.00</u>
Total =			\$ 1014.96

INVESTIGATION EXPENSES

Investigation/prover	09-27-04	\$	125.00
Investigation/ Statement of Robert Bradley	10-25-04	\$	125.00
Investigation/Statement of Ericka Stewart	11-04-04	\$	125.00
Pager I.D search	12-01-04	\$	200.00
Search for Kevin Kendall	12-08-04	\$	50.00
Canvass for Kevin Kendell, Herc, etc.	12-10-04	\$	500.00
Interview of Kevin Kendall/Dixmore	01-06-05	\$	350.00
Investigation/ search for Michael Creasy	01-31-05	\$	<u>250.00</u>
Total =			\$ 1725.00

TRAVEL

Flight to Shreveport, LA for Hick Family Depositions	11-22-04	\$	603.40
Hotel cost in Shreveport	11-22-04	\$	80.47
Flight to New York for Dr. Wetli Deposition	02-15-05	\$	255.40
New York Conference Room fee	02-15-05	\$	210.00
Parking, Food expenses in New York	02-15-05	\$	82.22
Flight to Los Angeles for Chapman Deposition	02-18-05	\$	206.90
Hotel cost in Los Angeles	02-18-05	\$	180.18
Flight & Hotel in Las Vegas for Sullivan Deposition	01-29-05	\$	450.00
Flight to Los Angeles for Hick Family Depositions	11-09-04	\$	176.70
Travel, taxi & food expenses x 3 days	11-10-04	\$	200.00
Michael and Florence Hicks Travel to Chicago	01-06-05	\$	<u>541.10</u>
Total =			\$ 2986.37

OUTSIDE ATTORNEYS' FEES

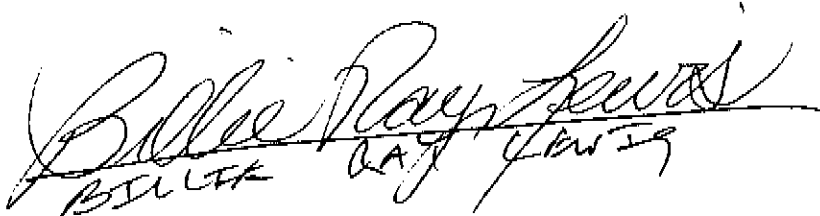
Greg Garofolo - Probate work	01-08-05	\$ 1000.00
DiMonte & Lizak - Tax/Probate	10-01-05	\$ 250.00
Sinar Keldermans, Miller & Friedman, LLC - Tax/Probate	10-13-05	\$ <u>687.50</u>
Total =		\$ 1937.50

ATTORNEY'S FEE

One Third of \$3.5 Million Smith, Coffey & Alexander	\$ 1,166,667.00
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Grand Total \$ 1,267,399.32

APPROVED:


BILLIE RAY LEWIS

4. Merlene Wynn-Hicks, I, and all immediate family members of Christopher Hicks, in order to settle all possible claims of heirship, have agreed to the following split of the net wrongful death proceeds of the settlement in this case: 20% to Merlene Wynn-Hicks, 20% to the decedent's mother, Florence Hicks, with the remaining 60% to be split evenly by Christopher Hicks' eleven siblings and half-siblings, as reflected in the separate Family Settlement Agreement.

5. Merlene Wynn-Hicks, I, and all parties to the Family Settlement Agreement have approved the attached Exhibit A list of litigation expenses and attorneys' fees.


6. None of the decedent's next of kin or siblings are minors.

7. All final expenses and debts of the decedent have been paid or provided for.

FURTHER AFFIANT SAYETH NOT.


Billie Ray Lewis

Subscribed and sworn to before me
this 18 day of October, 2005.


Notary Public PHILLIP L. COFFEY
NOTARY PUBLIC STATE OF ILLINOIS
My Commission Expires 09/24/2008

**IN THE UNITED STATES DISTRICT COURT
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**CITY OF CHICAGO, and CHICAGO POLICE
OFFICERS L. SOTO, Star 8403, A. PENA, Star
18513, ROBERT ARNOLTS, Star 19998, and
BRIAN DEVAN, Star 3871,**

Defendants.

No. 04 C 3904

Judge Conlon

AFFIDAVIT OF MERLENE WYNN-HICKS

**MERLENE WYNN-HICKS, being first duly sworn on oath, deposes and states as
follows:**

**1. I am the widow of Christopher Hicks, who is the subject of a wrongful death case
against the City of Chicago and certain police officers. I nominated Billie Ray Lewis,
Christopher Hicks' brother, to be the administrator of my husband's estate, and to prosecute the
wrongful death lawsuit against Chicago and the police officers involved in my husband's death.**

**2. Billie Ray Lewis agreed to accept the sum of \$3.5 million to settle the wrongful
death lawsuit, and I approve of this settlement.**

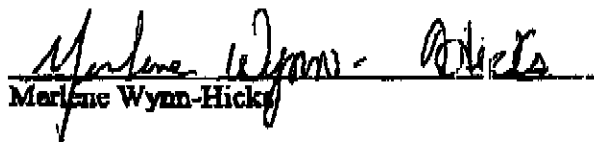
**3. Certain members of Christopher Hicks' immediate family have raised issues of
whether I am the proper heir-at-law of Christopher Hicks. I deny that I am not the lawful widow
and heir of Christopher Hicks. However, in order to avoid the risks and expenses of litigation,**

and to settle any and all claims that I am not the proper heir of Christopher Hicks, I have voluntarily agreed to the separate Family Settlement Agreement, wherein I have agreed to the following split of the net wrongful death proceeds of the settlement in this case: 20% to myself, 20% to the decedent's mother, Florence Hicks, with the remaining 60% to be split evenly by Christopher Hicks' eleven siblings and half-siblings, as reflected in the separate Family Settlement Agreement.

5. I have reviewed and I approve the attached Exhibit A list of litigation expenses and attorneys' fees.

6. I am aware that Billie Ray Lewis has expended considerable time and effort in prosecuting this lawsuit, and it is my desire that he be paid an administrator's fee in the amount of \$15,000.

FURTHER AFFIANT SAYETH NOT.


Marlene Wynn-Hicks

Subscribed and sworn to before me
this 20 day of October, 2005.


Notary Public

